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Subject: SN 08/529,767 Date: December 5, 1997  
Our Ref: 04121.003-02000

TO FROM

Name: Examiner Eggerton Campbell Name: M. Paul Barker

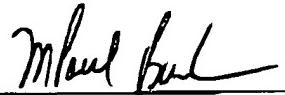
Firm: U.S. PTO No. of Pages (inc. this page) 5

Fax No.: (703) 305-7401 Attorney Approval \_\_\_\_\_

Message:

I hereby certify that the following documents are being filed, via facsimile, in the United States Patent and Trademark Office on December 5, 1997.

1. Submission of PTO Form 1449
2. Form PTO-1449



M. Paul Barker

Registration No. 32,013

December 5, 1997

Date

PATENT  
Attorney Docket No. 04121.0003-02000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Sorge et al. )  
Serial No.: 08/529,767 ) Group Art Unit: 1807  
Filed: September 18, 1995 ) Examiner: Eggerton Campbell  
For: NOVEL POLYMERASE )  
COMPOSITIONS AND )  
USES THEREOF )

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

SUBMISSION OF PTO FORM 1449

The present application claims the benefits under 35 U.S.C. § 120 of prior U.S. application Serial No. 08/197,791 (the '791 application), which is now U.S. Patent No. 5,556,772 (the '772 patent). Although the present application was named a divisional application of the '791 application when it was filed, it is actually a continuation application, since the presently pending claims are directed to the same group of claims as those in the '791 application, namely kits and methods of amplifying. In fact, applicants filed a terminal disclaimer in the present application in view of the '772 patent, and amended the first sentence of the specification on December 2, 1996, to reflect the continuation relationship.

Since the present application is a continuation application, under M.P.E.P. 609, applicants understand that Examiner Campbell has considered the information submitted in the '791 application (the '772 patent). Under M.P.E.P. 609, applicants

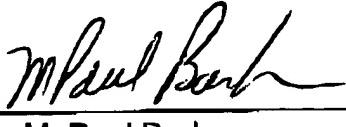
submit a PTO Form 1449 which cites the information of record in the '791 application, so that information will be printed on the face of the patent issuing from the present application. Since the Examiner has already considered this information, applicants request that the Examiner now initial the enclosed PTO form so that this information will be printed on the face of the patent.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:

  
M. Paul Barker  
Reg. No. 32,013

Dated: December 5, 1997

(Continued)

OMB No. 0651-0011

**INFORMATION DISCLOSURE CITATION**  
 (Use several sheets if necessary)

Atty. Docket No.	04121.0003-02000		Serial No.		08/529,767		
Applicant	SORGE et al.						
Filing Date	September 18, 1995		Group		1807		
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initials		Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
<b>FOREIGN PATENT DOCUMENTS</b>							
		Document Number	Date	Country	Class	Sub Class	Translation Yes or N
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
✓	Jones, C.H. et al., "DNA Mutagenesis and Recombination," <u>Nature</u> 344(6268):793-794 (1990).						
✓	Kunkel, Thomas A., "Rapid and Efficient Site-Specific Mutagenesis Without Phenotypic Selection," <u>Proceedings of the National Academy of Sciences, USA</u> 82:488-492 (1985).						
✓	Landt, Olfert et al., "A General Method for Rapid Site-Directed Mutagenesis Using the Polymerase Chain Reaction," <u>Gene</u> 96:125-128 (1990).						
✓	Nassal, Michael and Rieger, Andrea, "PCR-Based Site-Directed Mutagenesis Using Primers with Mismatched 3'-ends."						
✓	Nelson, Richard M. and Long, George L., "A General Method of Site-Specific Mutagenesis Using a Modification of the <i>Thermus Aquaticus</i> Polymerase Chain Reaction," <u>Analytical Biochemistry</u> 180:147-151 (1989).						
✓	Taylor, John W. et al., "The Rapid Generation of Oligonucleotide-Directed Mutations as High Frequency Using Phosphorothioate-Modified DNA," <u>Nucleic Acids Research</u> 13(24):8765-8775 (1985).						
✓	Vallette, Francois et al., "Construction of Mutant and Chimeric Genes Using the Polymerase Chain Reaction," <u>Nucleic Acids Research</u> 17(2):723-733 (1989).						
✓	Vandeyar, Mark A. et al., "A Simple and Rapid Method for the Selection of Oligodeoxynucleotide-Directed Mutants," <u>Gene</u> 65:129-133 (1989).						
✓	Watkins, Brynmor A. et al., "A Rapid Method for Site-Specific Mutagenesis Using Larger Plasmids as Templates," <u>BioTechniques</u> 15(4):700-704 (1993).						
✓	Weiner, Michael P. et al., "A Method for the Site-Directed Mono- and Multi-Mutagenesis of Double-Stranded DNA," <u>Gene</u> 126:35-41 (1993).						
✓	Yao, Zhengbin et al., "Site-Directed Mutagenesis of Herpesvirus Glycoprotein Phosphorylation Sites by Recombination Polymerase Chain Reaction," <u>PCR Methods and Applications</u> 1(3):205-207 (1992).						

FHFP42

OMB No. 0651-0011

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**(Use several sheets if necessary)**

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Filing Date September 18, 1995	Group 1807					
<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
<i>JL</i>	5,436,149	07/25/95	Barnes	435	194	02/19/93
<b>-FOREIGN PATENT DOCUMENTS</b>						
	Document Number	Date	Country	Class	Sub Class	Translation Yes or No
<i>JL</i>	WO 92/09689	06/11/92	PCT	—	—	
<i>JL</i>	EP 502589 A2	09/09/92	EPO	—	—	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
<i>JL</i>	Ohler et al., PCR Methods and Applications 2:51-59 (1992).					
	Zhu, Yu Sheng et al., "The Use of Exonuclease III for Polymerase Chain Reaction Sterilization," Nucleic Acids Research 19(9):2511 (1991).					
	Clark, J.M. et al., "Novel Blunt-End Addition Reactions Catalyzed by DNA Polymerase I of Escherichia coli," Journal of Molecular Biology 198:123-127 (1987).					
	Clark, James M., "Novel Non-Templated Nucleotide Addition Reactions Catalyzed by Prokaryotic and Eucaryotic DNA Polymerases," Nucleic Acids Research 16:9677-9686 (1988).					
	Deng, Win Ping and Nickoloff, Jac A. "Site-Directed Mutagenesis of Virtually any Plasmid by Eliminating a Unique Site," Analytical Biochemistry 200:81-88 (1992).					
	Hall, Len and Emery, David C. "A Rapid and Efficient Method for Site-Directed Mutagenesis by PCR, Using Biotinylated Universal Primers and Streptavidin-Coated Magnetic Bead," Protein Engineering 4(5):601.					
	Hemsley, Anne et al., "A Simple Method for Site-Directed Mutagenesis Using the Polymerase Chain Reaction," Nucleic Acids Research 17(16):6545-6551 (1989).					
	Ho, Steffan N. et al., "Site-Directed Mutagenesis by Overlap Extension Using the Polymerase Chain Reaction," Gene 77(1):51-59 (1989).					
	Hu, Gengxi, "DNA Polymerase-Catalyzed Addition of Nontemplated Extra Nucleotides to the 3' End of a DNA Fragment," DNA and Cell Biology 12(8):763-770 (1993).					
	Hultman, Thomas et al., "Solid Phase <i>in vitro</i> Mutagenesis Using Plasmid DNA template," Nucleic Acids Research 18(17):5107-5111 (1990).					
	Jones, Douglas H. and Winistorfer, Stanley C., "Recombinant Circle PCR and Recombination PCR for Site-Specific Mutagenesis Without PCR Product Purification," BioTechniques 12(4):528-533 (1992).					
Examiner	<i>Robert A. Campbell</i>		Date Considered		4/21/98	

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPBP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.